

MURFREESBORO CITY CODE

Chapter 25¼

SIGNS

Editor's Note: Ord. No. 84-30, adopted 08-09-84, created a Sign Ordinance, but did not specifically amend the Code. Ord. No. 85-7, adopted 2-14-85, replaced Ord. No. 84-30 in its entirety. Ord. No. 86-19, adopted 06-05-86, amended §5 of Ord. No. 85-7. Ord. No. 89-38, adopted 09-14-89, amended §12 of Ord. No. 85-7.

Ordinances prior to the 1990 Sign Ordinance have been omitted from the section histories. Ord. No. 90-36 §§1—17, adopted 08-16-90, has been included as superseding the Sign Ordinance, No. 85-7. Since Ord. No. 90-36 did not specifically amend the Code, inclusion herein as Chapter 25¼ has been at the editor's discretion. Sections 18—21 of this Ordinance providing for the severability of these provisions, the exercise of police powers, the superseding of these provisions, and the effective date, have been omitted.

Cross references- Buildings, Ch. 7; Nuisances, Ch. 20; Planning Commission, Ch. 22; Streets and Sidewalks, Ch. 28, Banners Across Streets, §28-15; Exhibitions and Carnivals, §31-37 et seq.; Traffic-control Devices, §32-400 et seq.; Zoning, App. A.

ARTICLE I. GENERAL PROVISIONS

SECTION 25¼-1 INTENT AND PURPOSE.

- (A) Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City without difficulty and confusion, to encourage the general attractiveness of the community, and to protect property values therein. Accordingly, this chapter is enacted to establish regulations governing the display of signs which will:
- (1) Promote and protect the public health, safety, comfort, morals and convenience;
 - (2) Promote aesthetics in the City;
 - (3) Protect the environment;
 - (4) Enhance the economy and the business and industry of the City by promoting the reasonable, orderly and effective display of signs, and thereby encourage increased communication with the public;
 - (5) Restrict signs and lights which overload the public's capacity to receive information or which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision;
 - (6) Reduce conflict among signs and lights and between public and private information systems; and
 - (7) Promote signs which are compatible with their surroundings, are appropriate to the type of activity to which they pertain, and are expressive of identity of proprietors and other persons displaying signs.
- (B) As these or any regulations can only establish the mechanical limits of signage and not enforce a level of visual quality in sign design, anyone planning a sign is strongly encouraged to consider:
- (1) The character of the proposed sign, not only in and of itself but also in terms of the effects such a sign will have upon the character of the surrounding area.

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- (2) The way in which the sign will be read, and whether its size, location, configuration and character are appropriate to its intended audience or whether a more appropriate sign could better serve its intended purpose and, at the same time, be less visually disruptive.
- (3) The character of the sign structure, that is, the physical means of supporting the sign, and whether that structure could be made an integral part of the sign rather than a separate and frequently distracting element.

[Ord. No. 90-36 §1, 08-16-90]

SECTION 25¹/₄-2 DEFINITIONS; INTERPRETATION.

(A) *Definitions.* For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. Words not defined in this section shall have the meanings stated within this chapter. Words not defined in the chapter shall have the meaning in *Webster's Ninth New Collegiate Dictionary*, as revised.

Abandoned sign, abandonment: A sign which was erected off-site or on-site in conjunction with a particular use, that use having been subsequently discontinued, regardless of any intent to resume or not to abandon such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign.

Attached sign: An attached sign is a sign that is affixed or painted to a wall, building or canopy having a permanent or changeable copy face. Any measurement of building frontage shall apply only to the frontage owned or leased and occupied by the applicant but shall not include a common area. However, the property owner or the property owner's tenant designee may use the measurement of the common area for the attached sign to the exclusion of all other occupants. An attached sign must be attached to the area occupied by the applicant, except the name of the business, trademark, logo, and/or tradename may be on a sign no larger than two square feet attached at or near the street or sidewalk public entrance when the applicant's space in the subject building does not front on the street or sidewalk used as a public entrance; and, provided further that when two or more such tenants and/or businesses utilize this provision, the design and format for all such signs shall be compatible (size, style and color) so as to appear as a commercial complex sign.

Banners: A temporary sign made of flexible material designed to attract attention bearing a legend or motto or advertising message.

Building Material Sign: Building material sign is a sign that is constructed as part of a building wall with a permanent copy face. A building material sign is constructed of the same materials and the same color(s) as the exterior wall on which it is located. A

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building material sign is not created simply by the application of paint to an exterior wall surface; however, paint may be applied to a constructed building material sign if the paint is of the same color as the exterior wall. A building material sign shall not protrude from the exterior surface of the building more than four inches. A building material sign shall not be internally illuminated; nor shall it be enclosed or accented with outline lighting or string lighting. A building material sign may be externally illuminated, provided that the light source is four or more feet from the sign. A building material sign may not be located on a building if the lot on which the building is located also contains an interstate onsite sign, an offsite permanent sign, or any temporary signs.

Canopy: A structure constructed of rigid materials which is attached to and supported by a building and/or by columns, poles or braces extended to the ground.

Canopy sign: A sign attached to a vertical side of a canopy. In order for a canopy to qualify for use of a canopy sign, a canopy must: (1) be a free standing canopy; (2) cover a minimum of 500 square feet; (3) the bottom of the canopy must be a minimum of 12 feet above the ground; and, (4) have sides which are substantially vertical to the ground. A canopy sign must be attached to a side of a canopy and cannot be larger than 50 square feet.

Changeable copy sign: A sign where the frame or face is permanently attached and the copy within the frame or on the face may be made different.

City: The City of Murfreesboro, Rutherford County, Tennessee.

City Council: The City Council of the City of Murfreesboro, Rutherford County, Tennessee.

Commercial or noncommercial multi-tenant complex: A building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

Commercial or noncommercial multi-tenant complex sign: A ground sign identifying a commercial or noncommercial complex and/or its tenants.

Commercial sign: Expression related solely to the economic interests of the speaker and its audience. Speech which proposes a commercial transaction. The subject matter is to be considered and not the motivation of the speaker in making the determination.

Convenience sign: A sign not exceeding two and one-half (2½) square feet in surface area.

Dilapidation: When a sign is allowed to fall into a state of disrepair, decay or ruin and the cost to repair exceeds fifty percent (50%) of the fair market cost, including labor and materials, for the erection of similar sign not needing repairs.

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Directional sign: A directional sign is a temporary sign located off-site which indicates the direction to a special event such as a program, auction, open house or sporting event.

Display surface area: The display surface area shall mean and include the entire area of a single continuous perimeter enclosing the extreme limits of wording, representation, emblem or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In any event, the supports, uprights or decorative base shall not be included in determining the display surface area of a sign.

Districts and zone districts: These are synonymous and are identified and defined in Code §25¼-21.

Electronic message center signs: A ground sign conveying computerized changeable messages, such as time, date, temperature, weather or similar noncommercial information.

Enter/Exit sign: A sign not exceeding four and one-half (4½) square feet in surface area directing traffic movement onto and from a zone lot.

Fence: A structure functioning as a boundary or barrier, usually made of posts, boards, wire or rails.

Flag signs: A ground sign made of flexible material of distinctive color and designed to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

Flashing signs: A sign, the illumination of which is intermittently on and off so as to flash or blink or to reflect light so as to appear to flash, blink or chase, such as metallic or mylar-type fluttering materials.

Freestanding wall sign: Any self-supporting sign not attached to a building that is painted on, incorporated in or affixed to a freestanding masonry wall, used primarily as development identification signs containing only the name of the occupant or complex.

Front of Building: Any portion of the building wall containing the main entrance.

Frontage, Building: Building frontage is the length of a building's elevation which is substantially parallel to a public street, road, or highway and from which public ingress and egress to the building is available. A drive-in window for customers shall satisfy the public ingress and egress requirement. If the building is a commercial, noncommercial or a multi-tenant complex, then building frontage is measured from the side of the building affording

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ingress and egress to the public. *Occupant Frontage* or *Tenant Frontage* is the length of the portion of building frontage occupied by a particular occupant or tenant in a commercial, noncommercial or multi-tenant complex.

Frontage, Street: Street frontage is the length of the lot line adjoining a public street, road, or highway.

Governmental sign: A sign erected and maintained by the federal, state or local government or agency thereof for a governmental purpose. A governmental sign shall not exceed sixty square feet, unless it is a traffic control sign. For the purpose of this chapter, a "traffic control sign" is a sign for the purpose of regulating, warning, or guiding traffic. No governmental sign or traffic control sign shall bear any advertising or commercial message.

Ground level: The first floor above ground. The ground level floor in a building with two or more floors, excluding the basement, extends to the floor of the next or second floor above ground level. The ground level floor in a building with only one story, excluding the basement, extends to the lowest point of the roof on the side to which the sign is attached. When a building is located on a sloping lot, such as the City Center building, and ground level street frontage on two or more streets, then the building may have two ground level floors, but the ground level floor shall be determined for each side of the building based upon the foregoing definition of ground level.

Ground signs: A sign which is supported by uprights or braces and permanently attached to the ground but excluding a temporary pole sign.

Height: See Code §25 $\frac{1}{4}$ -22.

Indirect illumination: A source of light which is not seen directly.

Inflatable signs: A temporary inflated sign, which may be stationary or mobile, that is used to attract attention, which may or may not bear a message.

- (1) An inflatable stationary sign is anchored in such a fashion that does not allow it to move.
- (2) An inflatable mobile sign is one which is tethered so that it moves and free floats.

Interstate on-site sign: An on-site ground sign located within a three thousand two hundred foot radius of the center of an interstate interchange or within one thousand feet of the interstate right-of-way. An interstate on-site sign must be a minimum of seventy-five feet and a maximum of one hundred twenty feet above the ground. Any other type of sign attached to the interstate on-site sign support which does not exceed the maximum height for its type of sign shall not be considered in calculating the signage of the interstate on-site sign, but it is

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subject to regulation by this chapter. Should the applicant be entitled to two or more ground signs, the support of the interstate on-site sign may be used in lieu of a separate ground sign support.

Lot: Lot of record.

Lot of record: A tract of land whose existence, location, boundaries and dimensions have been legally recorded in a deed or plat and filed as a legal record and including any that is filed on record in the Register's Office of Rutherford County, Tennessee. If a building sits on two or more lots, it is considered one lot of record for purposes of this chapter.

Maintenance: To keep in existing state of repair; preserve from decline; the upkeep of property.

Name plaques, address plaques and home occupation identification sign: An attached sign, not exceeding two square feet of surface area, indicating the name of the occupant, the address of the premises, and identification of any legal single business or operation which may exist at the premises.

Noncommercial sign: Any sign that is not a commercial sign. If a sign could reasonably be construed as either commercial or noncommercial, this chapter shall be liberally construed in favor of free speech and the sign shall be construed as noncommercial.

Nonconforming sign: Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance or code is not made legal by this chapter unless it conforms to all the requirements of this chapter.)

Occupant: As used herein in conjunction with a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) is for the purpose of distinguishing one business entity from another unrelated business entity. An "occupant" in a commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) may not be related to another business entity which is also an "occupant," except for the fact each business entity is in the same commercial or noncommercial multi-tenant complex. A business entity shall not be considered an occupant for purposes of this sign ordinance when the location is classified commercial or noncommercial multi-tenant complex (utilities not separate and no firewall between tenants) if:

- (1) the business entity has common partners or ownership with another business entity at that location;
- (2) one business entity is a partner with another business entity at that location;
- (3) any officer or director of one business entity is common with any officer or director of another business entity at that location;
- (4) any officer or director of one business entity is a partner in another business entity at that location.

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Off-site sign: An off-site sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service or entertainment which is not primarily conducted, sold or offered upon the same lot of record. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate Code §25¼-24.

On-site: An on-site sign or portion thereof is a sign which directs attention to a business, profession, commodity, service or entertainment which is primarily conducted, sold or offered upon the same lot of record. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an on-site sign, provided it does not violate Code §25¼-24.

Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that or in addition to that required by the underlying zone(s).

Outline Lighting: Attached neon tubing or fiber optic tubing which must be of constant intensity and uniform color placed on the exterior of a building which is not strip lighting.

Parapet: A vertical false front or wall extension above the roofline.

Pennant: A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag or drape, suspended or projecting from a private light pole, perimeter poles or dedicated pole.

Person: Any individual, firm, partnership, corporation, company, association or joint stock association and includes any trustee, receiver, assignee or other similar representative thereof.

Pole sign: A limited use on-site sign which is used for promotional-type advertising temporarily attached to perimeter poles, private light poles, canopy poles or other similar poles, but not including flag poles.

Portable sign: A portable sign shall include any advertising sign or device, counterbalance sign, trailer sign, or any variation thereof, located on the ground, easily moveable, not permanently attached thereto and which is usually a two-sided sign and including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature.

Right-of-way line: The boundary line or margin of the area adjacent to public streets, roads and highways over which exists an easement or easements or other right to install and maintain public improvements including, but not limited to, overhead and underground power lines, telephone lines, water lines, sewer lines, drainage facilities including open ditches and storm water sewers and culverts, regardless of whether the right to construct

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those public improvements in the area was acquired by grant, by prescription or by exercise of the power of eminent domain. The right-of-way line will usually be parallel to the margin of the public street, road or highway but exceptions to this general rule may exist for each separate parcel of real property. This chapter does not supersede any right-of-way requirement for the state.

Roof: The exterior upper covering of the top of a building.

Roof sign: An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Row: Right-of-way line.

Setback: A line located parallel to and a specified distance from the right-of-way line, curblineline or the edge of the street pavement, such distance being as specified in the applicable section of this chapter and behind which line a sign allowed under this chapter may be constructed, erected or otherwise maintained.

Sign: Street graphics and includes frame, letter, figure, character, make, plain, point, marquee, design, picture, poster, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, or any business, or any person, firm or corporation or to any public performance, or to any article, machine or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, strip lighting, outline lighting, and flashing lights are included in this definition of "sign."

Sign area: The total number of signs and/or display surface areas on any one premises or lot of record or commercial industrial developments and complexes.

Signable area: The total number of signs and/or display surface areas permitted in this chapter on any one premises or lot of record or commercial industrial developments and complexes.

Size: Refers to display surface area.

Streamer: A series of long, narrow banners, flags or pennants attached to a cord.

String lighting: Outdoor lighting of flexible or rigid construction used to outline or decorate any structure, including principal or accessory structures, tents, or parking areas, which is not strip lighting.

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Strip lighting: Outdoor lighting of flexible or rigid construction of constant intensity in a uniform clear or white color with a minimum bulb wattage of twenty-five and a maximum bulb wattage of sixty attached to the underside of a building eave of a principal structure for the purpose of providing on-site lighting which may also attract attention for commercial purposes. Should more than one row or tube of strip lighting be utilized, the maximum wattage shall not exceed a cumulative wattage of sixty watts in any foot of strip lighting. However, should the applicant demonstrate a need for greater lighting for purposes of safety and no other practical solution is available, the Board of Zoning Appeals may grant a variance to the sixty watt maximum limitation. For purposes of this definition, an eave exists where a roof overhangs a building wall; not all buildings have eaves.

Subdivision, commercial, noncommercial, industrial, or multifamily development identification sign: A sign located at the entrance utilized to designate a residential subdivision or commercial, noncommercial, industrial or multifamily development.

Temporary sign: Any sign which is by reason of construction or purpose to be used for a limited period of time.

Temporary window sign: A sign in contact with or within three feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday sign painted on a window for thirty days or less shall be treated as a temporary window sign.

Theater sign: A ground sign used for the purpose of advertising motion pictures shown in a theater.

Traffic Sign: A sign to govern motor vehicle and pedestrian movements or activities on streets, roads, or highways and containing no advertisement.

Window: An opening in a wall or door of a building for admission of light that is usually closed by casements or sashes containing transparent material (as glass).

(B) Interpretation. All words herein in the singular number shall include the plural and the present tense shall include the future and the masculine gender shall include the feminine and neuter.

[Ord. No. 90-36 §§2, 16, 08-16-90; Ord. No. 92-33 §1, 07-23-92; Ord. No. 92-O-09 §§1—4, 12, 12-03-92; Ord. No. 94-O-09 §§2, 4, 5, 7, 9, 11, 16, 12-22-94; Ord. No. 94-O-50 §3, 09-29-94; Ord. No. 95-O-31 §3, 10-12-95; Ord. No. 96-O-31 §§1, 2, 16, 05-09-96; Ord. No. 98-O-42 §§1—6, 10-15-98; Ord. No. 00-O-16 §1, 05-25-00; Ord. No. 04-O-15 §1, 04-22-04]

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SECTION 25 $\frac{1}{4}$ -3 ADMINISTRATION AND ENFORCEMENT.

The Chief Building Official is hereby designated as the enforcement officer for this chapter. In addition to all other authority conferred by statute, ordinance or resolution, the Chief Building Official and/or authorized representative shall have the following duties and powers:

- (A) *Review and issue permits.* Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this chapter.
- (B) *Conduct inspections.* Conduct location, footing and final construction inspections, and to conduct such other inspections of all permanent and temporary signs displayed in the City as necessary to require compliance with the provisions of this chapter.
- (C) *Issue notices of violation.* Issue notices of violation or citation regarding any sign which is found to be in noncompliance with one or more of the provisions of this chapter.
- (D) *Cause removal of certain signs.* After giving any required notice, cause the removal of certain signs which are found to be in noncompliance with one or more of the provisions of this chapter.
- (E) *Administrative interpretations.* Render, when called to do so, administrative interpretations regarding the provisions of this chapter and their effect on the display of any sign located or to be located in the City.
- (F) *Maintenance of records.* Maintain all records necessary to the appropriate administration and enforcement of this chapter, including applications for variances and appeals.

[Ord. No. 90-36 §13, 08-16-90]

SECTION 25 $\frac{1}{4}$ -4 VIOLATIONS; PENALTIES.

- (A) *Violation and penalty defined.* Violation of any of the provisions of this chapter or failure to comply with any of its requirements is hereby deemed and declared a violation and subject to the penalties hereinafter provided, and each day that such violation continues shall constitute a separate and additional violation for each such day. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined in a sum not to exceed fifty dollars (\$50.00) for each violation.
- (B) *Signs placed in right-of-way.* Signs that exist in a nonconforming status placed in the public right-of-way shall be immediately confiscated by the City and the owner or responsible party for the sign shall be fined for each sign in violation for the sign's return, in addition to paragraph (A):
 - (1) Signs five and one-half (5 $\frac{1}{2}$) square feet and under - \$5.00 return fine.
 - (2) Signs over five and one-half (5 $\frac{1}{2}$) square feet - \$25.00 return fine.If the sign is not claimed within thirty days, the City may consider it abandoned and destroy same.

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- (C) *Persons subject to penalty.* The owner, tenant and/or occupant of any building, structure, premises or a part thereof, and any architect, builder, contractor, agent or other person, who commits, maintains, aids or participates in such violation may be found guilty of a separate offense and suffer the penalties as herein provided.

[Ord. No. 90-36 §14, 08-16-90]

SECTION 25¹/₄-5 APPEALS.

- (A) *Authority.* An appeal may be taken to the Board of Zoning Appeals by any person aggrieved by an order, requirement, decision, determination or interpretation of the Chief Building Official and/or authorized representative acting within the authority of this chapter.
- (B) *Petition for appeal on decision:*
- (1) *Time limitation.* An appeal shall be filed within ten days from the date of the alleged erroneous order, requirement, decision, determination or interpretation. Failure to appeal in the time specified will constitute a waiver of all rights to an administrative hearing.
 - (2) *Filing to be in writing accompanied by documentation.* Such appeal shall be filed in writing with the Chief Building Official and shall be accompanied by such documents and information as BZA may by rule require.
 - (3) *Fee.* Each appeal for a variance to the BZA shall be accompanied by an application fee established from time to time by the City Council to be paid at the time of filing the appeal. However, the filing fee is waived if the appellant files a pauper's oath. In addition, the filing fee shall be refunded upon the successful appeal by the appellant. There will be no refund when a variance is granted or denied.
 - (4) *Transmittal of record.* The Chief Building Official shall, at the time of filing an appeal, forthwith transmit to the BZA all of the documents constituting a record upon which the action appealed from was taken.
 - (5) *Information necessary for appeal.* An appeal of alleged erroneous order, requirement, decision, determination or interpretation shall be filed in writing with the Chief Building Official and shall include the following information:
 - (a) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (b) Decision being appealed.
 - (c) Description of the requested appeal.
 - (d) Questions to be raised on appeal.
 - (e) Justification of the requested appeal.
 - (f) The location of the building, structure or zoning lot on which the sign is erected, to be erected or affixed.

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- (g) If the application involves a ground sign, a site plan of the property involved showing dimensions of the lot, improvements thereon and showing accurate placement thereon of the sign involved.
 - (h) A blueprint, ink drawing or photograph of the sign involved.
 - (i) Written consent of the owner of the building, structure or property on which the sign is erected or to be erected or affixed.
 - (j) Such other information as the Chief Building Official may require to determine full compliance with the decision.
- (6) *Effect of appeal.* An appeal shall stay all proceedings in furtherance of the action appealed from unless the Chief Building Official certifies to the BZA, after the appeal has been filed with the Chief Building Official, that, by reason of the facts stated in the application, a stay would, in the Chief Building Official's opinion, cause imminent peril to life or property. In such case, the proceeding shall not be stayed unless a restraining order is issued by a court of record.
- (7) *Board of Zoning Appeals, public hearing; timing and attendance.* The appeal shall be scheduled for hearing by the BZA at the next regular meeting or special meeting called for such purpose following forty-five days after the filing of an appeal thereof. The BZA shall set any such appeal for hearing, giving such notice to the public or to the persons concerned as the BZA deems advisable. The petitioner and Chief Building Official and/or their authorized representatives shall attend those meetings of the BZA at which an appeal is to be heard.
- (8) *Board of Zoning Appeals determination.* Following the hearing of any such appeal, the BZA may affirm, reverse or modify the action of the Chief Building Official and/or representative and may take any other action which is appropriate under the circumstances and is allowed by law. The action of the BZA on any such appeal shall be final and conclusive.
- (9) *Effect of Board of Zoning Appeals denial.* No appeal which has been denied, wholly or in part, by the BZA, in accordance with the provisions established herein, upon which no variance has been granted, may be resubmitted for a period of one year from the date of such denial except on grounds of new evidence or proof of changed conditions found to be valid by the BZA.
- (10) *Maintenance of records.* The Chief Building Official shall maintain complete records of all findings of fact and recommendations of the BZA and all determinations of the BZA relative to an appeal. All such records shall be open to the public for inspection.

[Ord. No. 90-36 §15-1, 08-16-90; Ord. No. 96-O-52 §1, 10-10-96]

SECTION 25 $\frac{1}{4}$ -6 VARIANCE CONDITION.

- (A) *Authority to grant.* Where, by reason of extraordinary and exceptional situations or conditions of such parcel of real estate, the strict application of any regulation enacted under this chapter would result in peculiar and exceptional practical difficulties to or

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exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided

- (1) such relief may be granted without substantial detriment to the public good;
- (2) such relief may be granted without substantially impairing the intent and purpose of the sign ordinance, zone plan, and zoning ordinance;
- (3) all of the conditions set forth in Code §25¼-6(D) "Standards for Variance" are satisfied;
- (4) the resolution or motion of the BZA shall specifically address each of the conditions set forth in Code §25¼-6(D)(1)—(4), and explain how each condition was met or satisfied by the evidence. (The applicant has the burden of proof as to each condition);
- (5) the provisions of Code §25¼-6(B) have been substantially and materially satisfied by the applicant; and,
- (6) the request of the applicant does not violate the limitations set forth in Code §25¼-29(D) or (E).

(B) *Petition for variance:*

- (1) *Standing.* A petition for a variance from any provision(s) of this chapter may be made by any person having a proprietary interest in the sign for which such variance is requested.
- (2) *Information necessary for variance.* A variance request shall be filed in writing with the Chief Building Official and shall include the following information:
 - (a) The names, addresses and telephone numbers of the petitioner, the owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the person to be erecting or affixing the sign.
 - (b) A description of the requested variance.
 - (c) Justification of the requested variance.
 - (d) The location of the building, structure or zoning lot on which the sign is to be erected or affixed.
 - (e) If variance involves a ground sign, a site plan of the property involved, showing dimensions of the lot, improvements thereon, accurate placement thereon of the proposed sign.
 - (f) A blueprint, ink drawing or photograph of the sign involved.
 - (g) The written consent of the owner or lessee of the building, structure or property on which the sign is to be erected or affixed.
 - (h) Such other information as the Chief Building Official may require to determine full compliance with this and other applicable ordinances of the City.
- (3) *Fee.* Each variance request to the BZA shall be accompanied by a non-refundable application fee established from time to time by the City Council to be paid at the time of filing the variance request.

(C) *Board of Zoning Appeals, public hearing; timing and attendance.* The BZA shall hold a public hearing on a variance request at the next regular meeting or special meeting called for such purpose following forty-five days after the filing of an appeal thereof. The petitioner and Chief Building Official and/or their authorized representatives shall attend those meetings of the BZA at which a variance is to be heard.

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- (D) *Standards for variance.* It is the intent of this chapter to use variances only to modify the application of any of the provisions of this chapter where there are practical difficulties or where unusual hardships may result. The BZA shall not grant a variance unless it makes findings based upon evidence presented it as follows:
- (1) The conditions upon which the petition for a variance is based would not be applicable generally to other property within the same district.
 - (2) If the condition complained of by the appellant is a general or widespread condition, then a variance shall not be permissible. Financial factors alone shall not be considered as a basis for granting a variance.
 - (3) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this chapter.
 - (4) The proposed variance will not increase the danger of fire or endanger the public safety.
- (E) *Board of Zoning Appeals determination.* The BZA may grant, deny, wholly or in part, or modify such variance request as it determines appropriate.
- (F) *Effect of denial.* No requested variance which has been denied wholly or in part by the BZA in accordance with the provisions established herein may be resubmitted for a period of one year from the date of such denial except on ground of new evidence or proof of changed conditions found to be valid by the BZA.
- (G) *Board of Zoning Appeals revocation.* In any case where a variance has been granted, and where no work pertinent thereto has been initiated within six months (one hundred eighty days) from the date of the BZA approval of the requested variance, then without further action by either the Chief Building Official or BZA, such variance shall become null and void.
- (H) *Maintenance of records.* The Chief Building Official shall maintain complete records of all findings of fact and recommendations of the BZA and all determinations relative to variance applications. All such records shall be open to the public for inspection.

[Ord. No. 90-36 §15-2, 08-16-90; Ord. No. 91-25 §1, 05-09-91; Ord. No. 96-O-31 §3, 05-09-96; Ord. No. 96-O-52 §2, 10-10-96; Ord. No. 98-O-42 §7, 10-15-98]

SECTION 25¹/₄-7 OTHER REMEDIES.

In addition to all other remedies, the City may institute any appropriate action or proceeding to prevent, restrain, correct or abate any violation of this chapter.

[Ord. No. 90-36 §15-3, 08-16-90]

SECTION 25¹/₄-8 CONFLICTING CODES AND ORDINANCES.

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If any provision or requirement of this chapter is found to be in conflict with any other provision or requirement of this chapter or of any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the regulation which establishes the more restrictive rule or higher standard shall govern.

[Ord. No. 90-36 §17, 08-16-90]

SECTIONS 25¹/₄-9—25¹/₄-19 RESERVED.

ARTICLE II. SIGN REGULATIONS

SECTION 25¹/₄-20 SIGN PERMITS AND FEES.

- (A) *Permit and fee required.* It shall be unlawful for any person, corporation or association to erect, prepare, alter, relocate or keep within the City any sign or other advertising structure, as defined in this chapter, on a lot of record without first obtaining a sign permit from the Building & Codes Department and paying the permit fee required by this section.
- (B) *Application for sign permit.* Application for a sign permit shall be made upon forms provided by the Building & Codes Department and shall include required information and set forth below:
- (1) Name, address and phone number of the owner.
 - (2) Name, address and phone number of the contractor.
 - (3) The proposed use of the sign.
 - (4) Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
 - (5) For attached signs a dimensional sketch showing the position of the sign in relation to the building or structure to which it will be attached. The linear footage of the building frontage and signs in existence at the time of the application shall be included. Roof signs shall submit plans to show compliance with the applicable provisions of the adopted Standard Building Code, as amended.
 - (6) For ground signs on-site less than thirty-five feet in height, two dimensional sketches showing the height, shape and surface area display of the sign; two dimensional sketches of the foundation for the sign; and, two dimensional site plans, showing the location of the sign on the site are required. The setbacks from rights-of-way and power lines shall be included, as well as the spacing from other ground signs in existence at the time of the application.
 - (7) For ground signs on-site greater than thirty-five feet in height, the same as required in subsection (6) above, except all plans required must be drawn to scale and must be sealed by a registered Tennessee engineer, who shall also specify the wind load design in accordance with the applicable provisions of the adopted Standard Building Code, as amended.

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- (8) For off-site ground sign, scaled site plans showing the same as subsection (7) above, plus location plans showing spacing of existing off-site permanent ground signs within one thousand feet on the same side of the street or interstate highway in both directions.
- (9) Before any sign permit can be issued, a copy of the application requesting electrical permit for the proposed sign must be obtained and filed with sign permit application and filed with the building inspector. A separate electrical permit will not be required if specifically included in any other electrical permit.
- (C) Schedule of sign permit fees:
 - (1) The fee for all signs not exempt from the fee shall be twenty dollars (\$20.00) plus one dollar (\$1.00) per square foot of surface area display; except for portable temporary signs, the fee shall be a flat rate of thirty dollars (\$30.00).
 - (2) The fee for strip lighting shall be twenty dollars (\$20.00) plus fifty cents (\$0.50) per linear foot.
 - (3) For the relocation or moving of any sign or sign structure, the fee shall be thirty dollars (\$30.00), except that no fee shall be required if such move is being made in order to comply with this chapter where prior to such move the sign was legally nonconforming. To relocate on a different lot of record the other provisions of this section shall apply.
 - (4) For the demolition of any permanent sign or sign structure, the fee shall be thirty dollars (\$30.00), except that no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.
- (D) *Location to be marked.* Before any sign permit can be issued, the proposed location shall be marked by stake or chalk line or other similar manner for location inspection.
- (E) *Installation.* All signs must be installed in compliance with the applicable provisions of the adopted Standard Building Code, as amended.
- (F) *Issuance of sign permit.* It shall be the duty of the permits and inspections officer, upon the filing of an application for a permit to erect a sign, to examine such plans and specifications and other data regarding the proposal to erect or maintain the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the City, the permits officer shall then refer to the codes enforcement officer for location inspection. Upon approval of the codes enforcement officer of the application for sign permit, the permits officer shall issue the permit.

If it shall appear that the proposed structure is in compliance with all of the requirements of this chapter and all other laws and ordinances of the City, the sign permit shall then be issued within the next three working days. If the application is not in compliance with this chapter, then within the next three working days the building inspector shall state refusal to the applicant.

Upon issuance of the sign permit, the codes enforcement officer will examine the premises for a footing inspection. (Footing inspections are not required on signs that are sixty-four square feet or less and the height does not exceed sixteen feet.) It is

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the responsibility of the contractor to call the building inspections office and request a footing inspection and the contractor shall not proceed with construction until the inspection is made.

Final inspections are required to be done by the codes enforcement officer upon installation of the proposed sign. It is the responsibility of the contractor to call the building inspections office and request a final inspection for the sign and electrical inspection.

If work authorized under a permit for erection of a sign has not been completed within six months (one hundred eighty days) after the date of issuance, the permit shall become null and void. The issuance of a sign permit shall in no instance be construed as waiving any provisions of this chapter.

- (G) *Failure to obtain permit.* Failure to obtain a permit prior to beginning construction shall automatically result in a penalty of double the permit fee. Failure to obtain an inspection shall automatically result in a penalty of double the permit fee. No additional permits will be issued to an applicant who has any outstanding penalties.
- (H) *Labels to be affixed.* If upon examination the codes enforcement officer determines that a sign has been installed in conformance with the provisions of this chapter, the codes enforcement officer shall cause a label to be issued bearing the number of the permit and further identifying specifically the sign which the permit authorizes. This label shall then be affixed to the sign by the permittee in a manner so that the permit will be readily visible for inspection purposes. Absence of such a label upon any sign constructed or installed within the municipal limits shall be prima facie evidence of failure to meet the requirements of this chapter.
- (I) *Permit revocation.* Permits issued under this chapter shall be valid for the life of the sign approved. However, any permit may be revoked by the Chief Building Official upon determination that the sign is not in full compliance with the provisions of this chapter.
- (J) *Deposits.* Each business displaying inflatable signs shall pay a fee of fifty dollars (\$50.00) which is refundable when the thirty day flight has expired. A permit and permit fee is also required for each flight. Each business displaying portable signs shall pay a fee of fifty dollars (\$50.00) which is refundable when the sixty day display has expired. A permit and permit fee is also required.

[Ord. No. 90-36 §3, 08-16-90; Ord. No. 92-33 §5, 07-23-92; Ord. No. 01-O-26 §6, 06-07-01]

SECTION 25¹/₄-21 DISTRICTS AND ZONED DISTRICTS DEFINED; SIGN MAP ADOPTED.

All signs permitted to be constructed, erected and maintained under this chapter shall be permitted only in the designated districts. "District" or "zone district," when used herein, shall be and mean those areas which are zoned as and identified as such in the Comprehensive Zoning Ordinance adopted January 19, 1984, as amended, and as may be amended hereafter. For further reference and for further identification of the

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“districts” and “zoned districts,” the official zoning map of the City, as amended, and as may be amended hereafter, and which is a part of the Comprehensive Zoning Ordinance, is incorporated and adopted herein by reference, as if set forth verbatim. The map or a copy of the same shall be on file for reference for the administration of this chapter in the building inspector’s office.

[Ord. No. 90-36 §4, 08-16-90]

SECTION 25¹/₄-22 COMPUTATION OF SIGN AREA, NUMBER, HEIGHT AND POWER LINE SETBACKS.

(A) In computing the area of all signs permitted under this chapter, the same shall be computed as follows:

- (1) When two signs of the same shape and dimensions are mounted or displayed back-to-back and parallel, only one such face shall be included in computing the total display surface area of the sign. When two signs of the same shape and dimensions are mounted or displayed in a V-shape, not back-to-back and parallel, each such face shall be included in computing the total display surface area of the sign.
- (2) The display surface area of an attached sign consisting of word(s), image(s), logo(s) or trademark(s) not enclosed by a box or outline, shall be the sum of the area(s) within an imaginary rectangular box around each word, image, logo or trademark, with the size of the box being the area within same, calculated by multiplying the height by the width. The height of the box shall be the vertical distance between the tallest and lowest letter or image in the word; or the distance between the top and bottom of an image, logo, or trademark which is not part of a word. The width shall be the horizontal distance between the outermost distant letter(s), image(s), logo(s), trademark(s) or combination thereof within a word; or the horizontal distance between the outermost edge of any image, logo or trademark not a part of a word.
- (3) The display surface area of a sign consisting of connected letters or letters enclosed by a box or outline of any kind shall be the total area of the sign including the background, box or outline.

Example:

SIGN

- (4) The display surface area of a multifaced sign shall be one-half ($\frac{1}{2}$) of the sum of all surface area forming a part of the display.

(B) In computing the number of attached signs permitted under this chapter:

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- (1) When more than one word, image, logo, or trademark is attached to one elevation of a building and they are not enclosed by a box or outline EITHER:
- (a) each word, image, logo or trademark may be considered as a separate attached sign, with the display surface area of each such sign being calculated as specified in subsection (A)(2) herein; OR
 - (b) two or more of the words, images, logos, or trademarks may be considered as one attached sign, with the display surface area of the sign being calculated as the area within an imaginary rectangular box around the combination of the two or more words, images, logos, or trademarks, calculated by multiplying its height by its width.

Examples:

(i) $3' \updownarrow \boxed{\text{Words}} \quad 4' \updownarrow \boxed{\text{Logo}}$ = 2 attached signs with display
 $\leftarrow 5' \rightarrow \quad \leftarrow 4' \rightarrow$ surface areas of 15 square feet
16 square feet respectively for a
total of 31 square feet

(ii) $4' \updownarrow \boxed{\text{Words} \quad \text{Logo}}$ = 1 attached sign with a total
 $\leftarrow \leftarrow \leftarrow 12' \rightarrow \rightarrow \rightarrow$ display surface area of 48 square
feet

The applicant may choose the method of computation.

- (2) When more than one word, image, logo or trademark is attached to one elevation of a building and they are enclosed by a box or outline of any kind, each area so enclosed or outlined shall constitute one attached sign, with the display surface area of each such sign calculated as described in subsection (A)(3) herein.
- (C) *Height measurement.* Sign height shall be measured from the ground at the center of the sign to the highest point of the highest element of the sign, excluding any incidental structural element. Notwithstanding any other provision of this chapter, when a sign is located within two hundred feet of a residential zone, the maximum height for the sign shall be sixteen feet. Ground signs shall not exceed the height requirements as set forth in Code §25¼-26. However, when calculating the minimum height of a sign, the measurement is to the lowest part of the sign face; and, when calculating the minimum height of a canopy, the measurement is to the lowest part of the canopy that is not part of a support.
- (D) *Clearance from electrical power lines.* The closest part of a sign shall not be any closer than eight feet horizontally from a vertical line above and below the nearest primary conductor(s). The closest part of a sign shall not be any closer than eight feet horizontally from a conductor not attached to the sign.

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As an exception to the foregoing, when the measurement is from the sign to an insulated secondary conductor not exceeding six hundred volts, no portion of the sign may be within eight feet of the insulated secondary conductor measured horizontally, vertically or diagonally. A convenience sign under three feet in height may be placed under a power line.

- (E) When (i) a zone lot is adjacent to a frontage road satisfying the conditions herein, has a minimum of one hundred feet frontage on the frontage road, and the principal entrance to the building faces the major thoroughfare; (ii) the permissible square footage of the signage varies based upon the distance from the street right-of-way such as in Code §25¼-26(C)(4)(b)(1); (iii) there is a frontage road substantially parallel to a major thoroughfare, which major thoroughfare is a minimum of four lanes; and, (iv) the frontage road right-of-way is adjacent to the major thoroughfare right-of-way, then for the purpose of measuring the distance from the street right-of-way in order to determine the maximum number of square feet of attached signage, the right-of-way of the major thoroughfare shall be used rather than the right-of-way of the frontage road. When the right-of-way between the frontage road and major thoroughfare is indistinguishable, then the frontage road shall be assumed to have a fifty foot right-of-way and the centerline of the frontage road is presumed to be the center of the frontage road right-of-way for purposes of measurement.

[Ord. No. 90-36 §5, 08-16-90; Ord. No. 95-O-31 §1, 10-12-95; Ord. No. 96-O-31 §§4, 5, 05-09-96; Ord. No. 98-O-42 §§8, 9, 10-15-98]

SECTION 25¼-23 EXEMPTIONS.

- (A) *Compliance with applicable provisions.* Exemptions shall not be construed as relieving the owner of such signs from the responsibility of complying with certain applicable provisions of this chapter. All signs within the City must comply with right-of-way or curblin setbacks, electrical setbacks, maintenance provisions and electrical permits and inspections as required in Code §25¼-20, except for governmental signs which may be in the right-of-way and convenience signs which may be zero setback.

- (B) *Signs exempt from sign permit or permit fees requirements:*

- (1) Three flags per zone lot;
- (2) Enter/Exit signs;
- (3) Banners, except a permit without a fee is required for banners in the Central Business District;
- (4) Convenience Signs;
- (5) Traffic Sign;
- (6) Pennants;
- (7) Noncommercial permanent signs not exceeding four and one-half (4½) square feet in surface area;
- (8) Signs on the inside of windows, except as provided in Code §§25¼-24(A)(25) and (26);
- (9) Streamers;

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- (10) Temporary signs, except inflatable and portable signs;
 - (11) Vehicle Signs, except as prohibited in Code §25¼-24;
 - (12) Signs painted on the outside glass surface of windows or doors and indicating name, address and hours of lawful business conducted therein, provided such signs do not cover fifteen percent (15%) of the total window area to which it is applied. (See also Code §25¼-24 for prohibited window signs.)
- (C) Nothing in this section shall favor a commercial sign over a noncommercial sign. A noncommercial message may be displayed on any of the signs or types of signs set forth in subsection (B) herein.

[Ord. No. 90-36 §6, 08-16-90; Ord. No. 92-33 §4, 07-23-92; Ord. No. 92-O-09 §§6, 7, 18, 12-03-92; Ord. No. 94-O-09 §§1, 3, 6, 8, 12—15, 12-22-94; Ord. No. 00-O-16 §2, 05-25-00]

Section 25¼-24 Prohibited signs and other regulations.

- (A) *Prohibitions and restrictions pertaining to signs, fixtures and supporting features.* It shall be unlawful for any person to erect or maintain a sign which is prohibited as follows:
- (1) A sign which copies or imitates or in any way approximates an official highway sign or carries the words “STOP” or “DANGER”; or any sign which obscures a sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information. Signs which imitate traffic-control devices. Signs which imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic-control sign, signal or other similar device.
 - (2) A sign or illumination that causes any direct glare into any building other than the building to which the sign may be accessory.
 - (3) Flashing signs in commercial, industrial, and multifamily zones and or/uses. Flashing signs which are visible at any public street or sidewalk in the Central Business District or Historic Zone are prohibited. Electronic message center signs are permitted, provided the message is noncommercial.
 - (4) Roof signs painted on the roof or which extend above the highest point of the roof, except inflatable signs.
 - (5) Signs placed on or affixed to vehicles and/or trailers which are parked on a right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a message. However, this is not in any way intended to prohibit signs placed on or affixed to motorized vehicles where the sign is incidental to the primary use of the motorized vehicle or trailer. It shall be unlawful to use a vehicle or a trailer sign as a sign in circumvention of this chapter.
 - (6) Signs which are attached or otherwise affixed to trees or other living vegetation and utility poles.
 - (7) A sign placed in a right-of-way, except as required by appropriate federal, state, city or county governmental authorities.

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- (8) No permanent sign, or part thereof, shall contain or consist of banners, pennants, ribbons, streamers, spinners or other similar moving or fluttering devices, except on-site balloons no larger than two feet in diameter and no higher than ten feet from the ground are permitted, except in residential zones. Banners, pennants, ribbons, streamers, spinners and fluttering devices shall not be attached to other temporary signs. Notwithstanding the foregoing, banners may be attached to on-site signs for a maximum of thirty days following the opening or start up of a new business, profession, sale of commodity, service or entertainment which is primarily conducted, sold, or offered upon the same lot of record. The purpose of this exception is to permit temporary signage to be attached to the permanent sign structure while new signage is being prepared for installation. This exception shall not have any application after the permanent signage is installed.
- (9) Signs which revolve or rotate.
- (10) Signs incorporating any noisy mechanical device.
- (11) String lighting in a commercial or industrial zone except used as a Christmas decoration, in which event, the lighting will not be erected before November 15 and must be removed by January 15.
- (12) Signs displaying obscene matter.

Obscene means:

- (a) The average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest;
- (b) The average person applying contemporary community standards would find that the work depicts or describes, in a patently offensive way, sexual conduct; and,
- (c) The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

Community means Rutherford County, Tennessee.

Matter means any printed or written materials, or any picture, drawing, photograph, or other pictorial representation that is obscene as defined herein.

Patently offensive means that which goes substantially beyond customary limits of candor in describing or representing such matters.

Prurient interest means a shameful or morbid interest in sex.

Sexual conduct means:

- (a) Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated. A sexual act is simulated when it depicts explicit sexual activity which gives the appearance of ultimate sexual acts, anal, oral or genital. *Ultimate sexual acts* means sexual intercourse, anal or otherwise, fellatio, cunnilingus or sodomy; or

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- (b) Patently offensive representations or descriptions of masturbation, excretory functions, and lewd exhibition of the genitals.
- (13) Temporary signs which violate Code §25¼-25.
- (14) No sign shall be erected, constructed or maintained so as to interfere with any existing warning or instructional sign.
- (15) No electrical light or fixture shall be attached in any manner to any sign unless it is installed in accordance with the National Electrical Code, as amended.
- (16) No sign of any type or any foundation or vertical support thereof shall be placed in or over any dedicated street, highway, or sidewalk.
- (17) No advertising signs shall be allowed on trash receptacles or benches.
- (18) No attached sign shall extend more than eighteen inches beyond the surface to which it is attached.
- (19) The placing of banners across the street is prohibited (See Code §28-15).
- (20) Signs applied to the exterior of the window which are larger than fifteen percent (15%) of the outside area of that particular window are prohibited.
- (21) Signs which contain false, misleading or deceptive information.
- (22) No sign of any type or any foundation or vertical support thereof shall be placed in or over a public utility or drainage easement unless the holder of the easement consents in writing to such placement and the owner requests and receives a variance from the Board of Zoning Appeals. Prior to consideration by the BZA, the Planning Director or designee shall review the application and submit a recommendation to the BZA.
- (23) Signs which are not expressly permitted by this chapter.
- (24) Nothing herein shall prohibit noncommercial speech displayed on an on-site or off-site sign. This subsection supersedes any other provision to the contrary.
- (25) Permanent window signs applied to the interior of window in the Central Business District which are larger than fifteen percent (15%) of the area of the particular window, subject to subsection (A)(26) herein; and, temporary window signs applied to the interior of a window in the Central Business District which are larger than fifty percent (50%) of the area of the particular window, subject to subsection (A)(26) herein.
- (26) Signs in contact with or within three feet of the inside of the window which are visible from the outside and do not meet the requirements of this chapter.
- (27) Signs above the second floor level in the CBD and historic zones.
- (B) *Owner's consent.* Any sign placed on, in or over any private property without the written consent of the property owner and any sign placed on, in or over any public property, including public rights-of-way without the written consent of the public authority having jurisdiction over the property is prohibited.
- (C) *Obstructions.* No signs, nor any means of supporting or staying such signs, shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of egress, light or ventilation. No sign shall be located in such a position that the same obscures the view of pedestrian or vehicular traffic in such a manner as to endanger the safe movement thereof.

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- (D) *Terminated activity.* Signs which advertise a terminated activity, business, product or service no longer produced or conducted on the premises upon which the sign is located are prohibited; provided, however, that where premises are temporarily vacant, such sign face may remain in place for not more than one hundred twenty days from the date the vacancy began.
- (E) *Unlawful cutting of trees and shrubs.* No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located:
- (1) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the City or State, whichever is appropriate.
 - (2) On property that is not under the ownership or control of the person doing or responsible for such work unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located. Notwithstanding the foregoing, the owner of the property where such trees or shrubs are located may not give permission to remove or destroy trees or shrubs required by the site plan without first obtaining approval of an amendment to the site plan by the Planning Commission of the City.
 - (3) In any area where such trees or shrubs are required to remain under a permit issued under this chapter.

[Ord. No. 90-36 §7, 08-16-90; Ord. No. 92-33 §§2, 3, 07-23-92; Ord. No. 92-O-09 §§8—11, 17, 19, 12-03-92; Ord. No. 94-O-09 §§10, 17, 12-22-94; Ord. No. 98-O-28 §§1, 2, 07-30-98; Ord. No. 98-O-42 §10, 10-15-98; Ord. No. 00-O-16 §§3—5, 05-25-00]

SEC. 25 $\frac{1}{4}$ -25. TEMPORARY SIGNS.

The total combined use of the following temporary signs shall not exceed three signs per lot at any one given time. The maximum signable area shall not exceed the size set forth below herein. It shall be unlawful to erect or maintain temporary signs in violation of the following:

(A) Banners:

- (1) Number – Two per lot maximum on-site, except only one is permitted in the Central Business District.
- (2) Size - 120 sq. ft. combined maximum area display.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - N/A.
- (5) Timing - N/A, except in the Central Business District. In the Central Business District there shall be no banner attached to a building for more than ninety days in any calendar year.
- (6) Permit Fee - N/A, except a permit is required for a banner in the Central Business District, without any fee.
- (7) Method of display - Attached to building or canopy only.

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- (8) Zone - All zones, except residential zones, the BP overlay district, the GDO overlay district, the PRD, and the PUD districts.

(B) Directional signs:

- (1) Number - 4 per event off-site, 2 per lot; except in GDO overlay district, 2 per event off-site, 1 per lot.
- (2) Size - 16 sq. ft. maximum; except in GDO overlay district--8 sq. ft. maximum.
- (3) Setback - 1' ROW.
- (4) Height - 4.5' maximum.
- (5) Timing:
 - (a) Erection: 10 days before the event.
 - (b) Removal: 2 days after the event.
- (6) Permit fee - None.
- (7) Zone - All.

(C) Inflatable signs - Stationary:

- (1) Number - 1 per lot maximum on-site.
- (2) Size - N/A.
- (3) Setback - 5' ROW, 8' power lines minimum plus the distance to its inflated height minimum.
- (4) Height - N/A.
- (5) Timing - 90 days per year maximum, 30 consecutive days allowed one time with a minimum of 30 consecutive days between flights.
- (6) Permit/fee - Permit fee, and refundable deposit of \$50.00 required for each flight.
- (7) Zone - CH, H-I, L-I, PCD, and PID, but not permitted in the BP district or GDO overlay district.

(D) Inflatable signs - Mobile:

- (1) Number - 1 per lot maximum on-site.
- (2) Size - N/A.
- (3) Setback - 5' ROW, 8' power lines plus the distance to its extended height minimum.
- (4) Height - 120 feet maximum.
- (5) Timing - 90 days per year maximum, 30 consecutive days allowed at one time with a minimum of 30 consecutive days between flights.
- (6) Permit/fee - Permit fee, and refundable deposit of \$50.00 required for each flight.
- (7) Zone - CH, H-I, L-I, PCD, and PID, but not permitted in the BP district or GDO overlay district.

(E) Pennants:

- (1) Number - One every 50 feet of street frontage.
- (2) Size - 9 sq. ft. maximum.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - 35' maximum.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.

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- (7) Zone - CH, H-I, and L-I, but not permitted in the BP district or GDO overlay district.

(F) Pole signs:

- (1) Number - 3 per lot maximum on-site.
- (2) Size - 21 sq. ft. maximum.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - N/A.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.
- (7) Zone - CL, CF, CH, H-I, L-I, PCD, and PID, but not permitted in the BP district or the GDO overlay district.

(G) Portable sign:

- (1) Number - 1 per lot maximum on-site only.
- (2) Spacing - 150' from another temporary sign.
- (3) Size - 32 sq. ft. maximum.
- (4) Setback - 5' ROW, 8' power lines minimum.
- (5) Height - Minimum 18", maximum 7'.
- (6) Timing - Two months per zone lot except for commercial multi-tenant lots which are allowed three periods of sixty consecutive days per year to separate tenants/businesses.
- (7) Permit/fee - Permit fee required, plus a refundable deposit of \$50.00.
- (8) Zone - CH, H-I, L-I, PCD, PID, and BP district, but not permitted in the GDO overlay district.
- (9) Anchoring - Sign shall be secured to the ground at four points by means of 1/2" diameter spike or bolt driven 18" into the ground.
- (10) Electrical safety - Sign shall be UL approved. If not UL approved, plug must be removed or housed within sign casing prior to placement. Where an electrical cord is being extended, it shall be in rigid conduit that is either underground or along the ground surface, which will not be crossed by traffic, and secured to the ground surface, except that a maximum of 18" of flexible conduit is permitted at each end. The connecting plugs shall be of a weatherhead type. The electrical installation shall meet all code requirement. Flasher must be removed or bypassed prior to electrical connection.
- (11) Eligibility - New business, occupation, or activity at new location during first six months of occupancy for a maximum period of sixty days.

(H) Streamers:

- (1) Number - On-site, three linear feet of streamers for every one foot of street frontage maximum.
- (2) Size - N/A.
- (3) Setback - 1' ROW, 8' power lines minimum.
- (4) Height - 35' maximum.
- (5) Timing - N/A.
- (6) Permit/fee - N/A.
- (7) Zone - CL, CF, CH, H-I, L-I, and PCD, but not permitted in the BP district or GDO overlay district.

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(I) Other temporary signs:

- (1) Number - 3 per lot maximum on site; except 1 per lot in GDO overlay district.
- (2) Size:
 - (a) CH, H-I, and L-I zones - 64 sq. ft. maximum.
 - (b) GDO overlay district - 32 sq. ft. maximum.
 - (c) All other zones - 32 sq. ft. maximum.
- (3) Height:
 - (a) CH, H-I, and L-I zones - 16' maximum.
 - (b) GDO overlay district - 10' maximum.
 - (c) All other zones - 10' maximum.
- (4) Set back - 1' ROW.
- (5) Timing - Until 10 days following conclusion of temporary purpose.
- (6) Permit fee - None.
- (7) Zone - All.

[Ord. No. 90-36 §8, 08-16-90; Ord. No. 92-11 §§1, 2, 01-30-92; Ord. No. 92-33 §§6, 10, 07-23-92; Ord. No. 92-O-09 §5, 12-03-92; Ord. No. 93-O-18 §§1, 2, 07-01-93; Ord. No. 94-O-50 §§4—11, 09-29-94; Ord. No. 94-O-62 §§1, 2, 12-15-94; Ord. No. 95-O-48 §§12—19, 09-14-95; Ord. No. 95-O-59 §§9, 10, 11-09-95; Ord. No. 98-O-42 §§11—14, 10-15-98; Ord. No. 03-O-53 §6—14, 01-08-04]

SECTION 25¹/₄-26 ON-SITE PERMANENT SIGN REQUIREMENTS.

(A) Number, signable area of signs and construction.

- (1) Except as authorized by this section, it shall be unlawful to have more than one ground sign on a lot of record or in violation of the regulations set forth herein.
- (2) If the lot of record has at least one hundred feet of frontage on each of two or more public streets, then there shall be no more than one ground sign along each side of the lot of record bordered by such streets.
- (3) An interstate on-site sign is a special type of ground sign defined in Code §25¹/₄-2(A). Should the applicant be entitled to two or more ground signs, one of which is an interstate on-site sign, the applicant may utilize the interstate on-site sign structure for support of two or more signs provided: (i) each sign is no larger than permitted, (ii) each sign is either below the maximum height for a ground sign or above the minimum height for an interstate on-site sign; (iii) no more than two of the signs are above the minimum height for an interstate on-site sign; and, (iv) no more than one ground sign may be located below the maximum height for a ground sign.
- (4) The supports, braces, guys and anchors for all on-site permanent signs shall not be exposed creosote treated wood. Should the supports, braces, guys, and/or anchors be of creosote treated wood, they must be covered with a material other than paint. Wood used as supports, braces, or anchors shall be decay or rot resistant.
- (5) When the number of signs listed is greater than one, the size set forth shall be for each sign unless otherwise indicated.

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(B) Spacing. There shall be fifty feet minimum spacing on the same lot of record for ground signs.

(C) Permitted signs. The following signs shall be permitted in the districts hereafter set forth:

(1) SIGNS PERMITTED IN RS, RD, RM-12, RM-16, RM-22, R-MO, RZ, PRD, & PUD ZONING DISTRICTS (except as noted):

(a) Commercial (except home occupation), Noncommercial:

[1] Type - Attached:

Number - 1 per lot maximum.

Size - 3 sq. ft. per linear feet of building frontage not to exceed 40 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor.

Illumination - Not permitted.

[2] Type - Ground:

Number - 1 per lot maximum.

Size - 40 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

Illumination - Not permitted.

OR

Type - Freestanding wall sign:

Number - 1 per entrance.

Size - Letters shall not exceed 24" in height. Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

Illumination - Indirect only.

(b) Home occupation:

Type - Attached:

Number - 1 per lot maximum.

Size - 3 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor.

Illumination - Not permitted.

(c) Bed and breakfast homestay and bed and breakfast inn:

[1] Type -Attached:

Number - 1 per lot maximum.

Size - 3 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor.

Illumination - Not permitted.

[2] Type -Ground:

Number - 1 per lot maximum.

Size - 4.5 sq. ft. maximum.

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Setback - 5' from ROW, 8' from power lines minimum.

Height - 4 feet maximum.

Illumination - Not permitted.

OR

Type -Freestanding wall sign:

Number - 1 per entrance.

Size - Letters shall not exceed 6" in height. Display surface - 4.5 sq. ft. maximum.

Setback - 5' from ROW, 8' from power lines.

Height - 4' maximum.

Illumination - Not permitted.

(d) Subdivision or multifamily development ID sign:

[1] *Type - Freestanding wall sign (see notation below):

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - Shall not obstruct the view from vehicles entering or exiting the development.

Height - 8' maximum.

Illumination - Indirect only.

*Notation:

OR

*Type - Ground:

Number - 1 per development entrance maximum.

Size - 40 sq. ft. maximum.

Setback - Shall not obstruct vision.

Height - 8' maximum.

Illumination - Indirect only.

*Notation:

(a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid .

(b) These signs are intended to be in well-landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot for the maintenance of such sign.

(e) Flag signs:

Type - Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 35' maximum.

Illumination - Indirect only.

Zone - RM-16, RM-22, RMO only.

(2) SIGNS PERMITTED IN OG, CM, CL, CU, P, CM-R, CM-RS-8 and PND:

(a) Commercial and Noncommercial Uses - Single Occupant:

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- [1] Type - Attached:
 - Number - 3 per lot maximum.
 - Size - 3 sq. ft. for each linear foot of building frontage not to exceed 100 sq. ft. maximum.
 - Setback - N/A.
 - Height - Ground level floor or 16', whichever is higher.
- [2] Type - Ground:
 - Number - 1 per lot maximum.
 - Size - 60 sq. ft. maximum.
 - Setback - 5' ROW, 8' power lines minimum.
 - Height - 16'.

OR

 - Type - Freestanding Wall Sign:
 - Number - 2 per development entrance maximum.
 - Size - Letters shall not exceed 24" in height.
 - Display surface - Shall not exceed 40 sq. ft.
 - Setback - 5' ROW, 8' power lines minimum.
 - Height - 8' maximum.
- [3] Flag signs:
 - Type - Ground:
 - Number - 4 per entrance, 8 flags maximum per lot.
 - Size - 32 sq. ft. maximum.
 - Setback - 5' ROW, 8' power lines minimum.
 - Height - 35' maximum.
 - Permitted for all uses this section, except (4) below.
- [4] Type - Canopy sign:
 - Number - 1 per side, 3 maximum.
 - Size - 50 sq. feet each, maximum.
 - Height - Minimum 12'; 16' maximum when located within 200' of a residential zone, otherwise 35' maximum.
- (b) Commercial or Noncommercial Multi-Tenant Complex:
 - [1] Type - Ground:
 - Number - 1 per lot maximum.
 - Size - 75 sq. ft. maximum.
 - Setback - 5' ROW, 8' power lines minimum.
 - Height - 16' maximum.
 - [2] Each occupant of a commercial or noncommercial multi-tenant complex:
 - Type - Attached: (see definition of "attached sign").
 - Number - 1 per tenant.
 - Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.
 - Setback - N/A.
 - Height - Ground level floor or 16', whichever is higher.
 - [3] Flag signs:

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Type - Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 35' maximum.

Permitted for all uses this section except (4) below.

[4] Type - Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - Minimum 12'; 16' maximum when located within 200' of a residential zone, otherwise 35' maximum.

(c) Commercial, Noncommercial development ID sign:

[1] For developments less than 5 acres:

*Type - Freestanding wall sign (see notation below):

Number - 1 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - Shall not obstruct the view from vehicles entering or exiting the development.

Height - 8' maximum.

OR

*Type -Ground:

Number - 1 per development entrance maximum.

Size - 40 sq. ft. maximum.

Setback - Shall not obstruct vision.

Height - 8' maximum.

[2] For developments greater than 5 acres:

*Type - Freestanding wall sign (see notation below):

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 60 sq. ft.

Setback - Shall not obstruct the view from vehicles entering or exiting the development.

Height - 16' maximum.

OR

*Type -Ground:

Number - 1 per development entrance maximum.

Size - 60 sq. ft. maximum.

Setback - Shall not obstruct vision.

Height - 16' maximum.

* Notation:

(a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Murfreesboro Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

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- (b) These signs are intended to be in well-landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot for the maintenance of such sign.

(3) SIGNS PERMITTED IN CBD DISTRICT:

(a) Commercial and Noncommercial Uses - Single Occupant:

[1] Type - Attached:

Number - 1 per street frontage maximum.

Size - 3 sq. ft. per foot of linear building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16 feet, whichever is higher.

[2] Type - Ground:

Number - 1 per lot maximum.

Size - 60 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Freestanding wall sign:

Number - 1 per entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

(b) Commercial or Noncommercial Multi-Tenant Complex:

[1] Type - Ground:

Number - 1 per occupant maximum.

Size - 75 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Freestanding wall sign.

Number - 2 per entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 8' maximum.

(c) Each Occupant of Commercial or Noncommercial Multi-Tenant Complex:

Type - Attached (see definition of "attached sign").

Number - 1 per occupant maximum.

Size - 3 sq. ft. per linear tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16' whichever is higher.

(4) SIGNS PERMITTED IN CH, H-I, L-I, CF, PCD, AND PID DISTRICTS:

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(a) Commercial, Noncommercial and Industrial Development ID Sign:

*Type - Ground:

Number - One per development entrance maximum.

Size - 150 sq. ft. maximum.

Setback - Less than 5' ROW, height 16' maximum.

Setback - 5' or more ROW, height 35' maximum except in the CF district which shall be 30' maximum.

OR

*Type - Freestanding wall sign:

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height maximum.

Display surface - Shall not exceed 75 sq. ft.

Setback - Shall not obstruct view from vehicles entering or exiting the development.

Height - 8' maximum.

*Notation:

(a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid.

(b) These signs are intended to be in well-landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot for the maintenance of such sign.

(b) Commercial, Noncommercial or Industrial - Single Occupant:

[1] Type - Attached:

Number - 3 per structure maximum.

Size - 3 sq. ft. per linear foot of building frontage not to exceed:

(i) 100 sq. ft. when the building is located less than 42' of the street right-of-way;

(ii) 150 sq. ft. when the front of the building is located 42' or more but less than 200' of the street right-of-way;

(iii) 200 sq. ft. when the front of the building is located 200' or more but less than 400' of the street right-of-way;

(iv) 250 sq. ft. when the front of the building is located 400' or more but less than 600' of the street right-of-way;

(v) 300 sq. ft. when the front of the building is located 600' or more but less than 800' of the street right-of-way;

(vi) 350 sq. ft. when the front of the building is located 800' or more from the street right-of-way.

(It is the intent of this chapter that the total aggregate of attached signs for the occupant shall not exceed the foregoing stated applicable maximum footage.) The measurement shall be made from the main entrance door to the street. For this purpose "street" shall mean the street parallel (more or less) to the side of the building containing the main entrance.

Setback - N/A.

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Height – 16' maximum when located within 200' of a residential zone, otherwise 35' maximum; except 55' maximum when within 1,000' of the Interstate 24 ROW, excluding the on-off ramps.

- [2] Type - Outline lighting:

Size - 3 linear feet of strip lighting per 1 linear foot of building frontage.

Setback - N/A.

Height - 16' maximum when within 200' of a residential zone, otherwise 35' maximum.

Specifications - Required UL approval. Prohibited on wood.

- [3] Type - Strip Lighting:

Size - One linear foot of strip lighting per one linear foot of building eave to which it is attached.

Method of Display - Strip lighting bulbs must be placed at a uniform vertical distance below the underside of the building eave to which they are attached; this distance shall not exceed 6". Strip lighting bulbs must also be placed at a uniform horizontal distance from one another; this distance shall not be less than 4'.

Setback - N/A.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum.

Specifications - Required UL approval or equivalent.

- [4] Type - Ground:

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each linear foot of street frontage exceeding 100, not to exceed 300 sq. ft. maximum, except in the CF district which shall not exceed 200 sq. ft.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum, except in the CF district which shall be 30' maximum.

OR

Type - Freestanding wall sign:

Number - 2 per lot maximum.

Size - Letters shall not exceed 24" in height.

Display Surface Area - Shall not exceed 75 sq. ft.

- [5] Flag signs:

Type – Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft.

Height - 35' maximum.

Setback - 5' ROW, 8' power lines.

- [6] Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. ft. each, maximum.

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Height - Minimum 12'; 16' maximum when located within 200' of a residential zone, otherwise 35' maximum, except in the CF district which shall be 30' maximum.

[7] Type - Building Material Sign:

Number - 1 per lot.

Size - The total square footage shall not exceed the greater of: 350 square feet or 15% of the surface of the exterior wall on which it is located. For this purpose, an exterior wall surface shall have an unbroken horizontal and vertical elevation.

(c) Commercial or Noncommercial Multi-Tenant Complex:

[1] Utilities separate and firewall between tenants:

[aa] Type – Ground:

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum, except in the CF district which shall not exceed 200 sq. ft. maximum.

Setback - 5' right-of-way, 8' power lines minimum.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum, except in the CF district which shall have 30' maximum.

OR

Type – Attached:

Number - 2 per tenant maximum.

Size - 3 sq. ft. per linear ft. of occupant frontage, with the total aggregate of attached signs for each occupant not to exceed:

(i) 100 sq. ft. when the building is located less than 42' of the street ROW;

(ii) 150 sq. ft. when the front of the building is located 42' or more but less than 200' of the street ROW;

(iii) 200 sq. ft. when the front of the building is located 200' or more but less than 400' of the street ROW;

(iv) 250 sq. ft. when the front of the building is located 400' or more but less than 600' of the street ROW;

(v) 300 sq. ft. when the front of the building is located 600' or more but less than 800' of the street ROW;

(vi) 350 sq. ft. when the front of the building is located 800' or more from the street ROW.

Setback - N/A.

Height – 16' maximum when located within 200' of a residential zone, otherwise 35' maximum; except 55' maximum when within 1,000' of the Interstate 24 ROW, excluding the on-off ramps.

[bb] Flag signs:

Type – Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft.

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Height - 35' maximum.

Setback - 5' ROW, 8' power lines.

[cc] Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. ft. each, maximum.

Height - Minimum 12'; 16' maximum when located within 200' of a residential zone, otherwise 35' maximum, except in the CF district which shall be 30' maximum.

[2] Utilities not separate and no firewall between tenants:

[aa] Type – Ground:

Number - 1 per lot maximum.

Size - 200 sq. ft. plus 1 additional sq. ft. for each foot of linear street frontage over 200', not to exceed 300 sq. ft. maximum, except in the CF district which shall not exceed 200 sq. ft. maximum.

Setback - 5' right-of-way, 8' power lines minimum.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum, except in the CF district which shall be 30' maximum.

OR

Type – Attached:

Number - 2 per tenant not to exceed 6 per complex.

Size - 3 sq. ft. per linear foot frontage, not to exceed 300 sq. ft. per complex to be apportioned by the owner or tenants.

Setback - N/A.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum; except 55' maximum when within 1,000' of the Interstate 24 ROW, excluding the on-off ramps.

[bb] Flag signs:

Type – Ground:

Number - 4 per entrance, 8 flags maximum per lot.

Size - 32 sq. ft.

Height - 35' maximum.

Setback - 5' ROW, 8' power lines.

[cc] Canopy sign:

Number - 1 per side, 3 maximum.

Size - 50 sq. feet each, maximum.

Height - Minimum 12'; 16' maximum when located within 200' of a residential zone, otherwise 35' maximum.

[dd] Theater Sign:

Type – Ground:

Number - 1 per lot maximum.

Size - 300 sq. ft. maximum.

Setback - 5' ROW, 8' power lines minimum.

Height - 16' maximum when located within 200' of a residential zone, otherwise 35' maximum.

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[ee] Interstate On-Site Signs:

Type – Ground:

Location - Within 3,200' radius of the center of the I-24 interchange or within 1,000' of the I-24 interstate ROW.

Number - 1 per lot of record maximum.

Size - 300 sq. ft. maximum.

Height - 120' maximum, except when the sign is located within 200' of a residential zone the maximum height shall be 16' in height. The minimum height of the bottom of the sign is 75', unless located within 200' of a residential zone.

Setback - 5' ROW, 8' power line minimum.

[3] Type - Building Material Sign:

Number - 1 per lot

Size - The total square footage shall not exceed the greater of: 350 square feet or 15% of the surface of the exterior wall on which it is located. For this purpose, an exterior wall surface shall have an unbroken horizontal and vertical elevation.

(5) SIGNS PERMITTED IN THE BP AND GDO OVERLAY DISTRICTS:

These regulations impose additional requirements above that or in addition to that required by the underlying zone.

(a) Commercial and Noncommercial Uses - Single Occupant:

[1] Type – Attached:

Number - 3 per lot maximum.

Size - 3 sq. ft. for each linear foot of building frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16', whichever is higher.

[2] Type – Ground:

Number - 1 per lot maximum.

Size - 100 sq. ft. plus 1 additional sq. ft. for each linear ft. of street frontage exceeding 200 with signs not to exceed 200 sq. ft. maximum.

Setback - 5' right-of-way, 8' power lines minimum.

Height - 16' maximum.

OR

Type - Freestanding wall sign:

Number - 2 per development entrance maximum.

Size - Letters shall not exceed 24" in height.

Display surface - Shall not exceed 40 sq. ft.

Setback - 5' right-of-way, 8' power lines.

Height - 8' maximum.

(b) Commercial or Noncommercial Multi-Tenant Complex:

Type – Ground:

Number - 1 per lot maximum.

Size - 100 sq. ft. plus 1 additional sq. ft for each linear foot of street frontage exceeding 200 with signs not to exceed 200 sq. ft. maximum.

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Setback - 5' right-of-way, 8' power lines minimum.

Height - 16' maximum.

- (c) Each Occupant of a Commercial or Noncommercial Multi-Tenant Complex:

Type - Attached (see definition of "attached sign").

Number - 2 per tenant.

Size - 3 sq. ft. per linear foot of tenant frontage not to exceed 100 sq. ft. maximum.

Setback - N/A.

Height - Ground level floor or 16', whichever is greater.

- (d) Flag Signs:

Type - Ground.

Number - Three flags maximum per lot.

Size - 32' maximum.

Height - 35' maximum.

Setback - 5' ROW, 8' power lines minimum.

- (e) Interstate On-Site Signs:

Not permitted in the BP or GDO overlay districts.

- (f) Strip Lighting:

Not permitted in the BP or GDO overlay districts.

- (g) Commercial, Noncommercial, and Industrial Development ID Signs:

*Type - Ground:

Number - 1 per development maximum.

Size - 100 sq. ft. maximum.

Setback - 5' right-of-way minimum.

Height - 8' maximum.

OR

*Type - Freestanding wall sign:

Number - 2 per development entrance maximum.

Size - Letters not to exceed 24" in height maximum.

Display surface - Shall not exceed 40 sq. ft.

Setback - Shall not obstruct view from vehicles entering or exiting the development.

Height - 8' maximum.

*Notation:

- (a) The location, height, setback, size and illumination shall be permitted subject to the approval of the Planning Commission. Once approved by the Planning Commission, a permit shall be obtained and a fee paid .

- (b) These signs are intended to be in well-landscaped areas where the developer has set up a property owner's association for their maintenance and shall place in escrow an amount equal to or greater than twenty-five dollars (\$25.00) per lot for the maintenance of such sign.

- (h) Building Material Sign:

Not permitted in the BP and GDO overlay districts.

[Ord. No. 90-36 §9, 08-16-90; Ord. No. 92-7 §1, 01-23-92; Ord. No. 92-11 §3, 01-30-92; Ord. No. 92-33 §§6-10, 07-23-92; Ord. No. 92-O-09 §§13-16, 12-03-92; Ord. No. 92-O-12 §8, 01-14-93; Ord. No. 93-O-18 §3, 07-01-93; Ord. No. 94-O-50 §12, 09-29-94; Ord. No. 95-O-48 §§20, 21, 09-14-95; Ord. No. 95-O-31

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§2, 10-12-95; Ord. No. 95-O-59 §11, 11-09-95; Ord. No. 96-O-07 §6, 03-07-96; Ord. No. 96-O-31 §§6-16, 05-09-96; Ord. No. 98-O-05 §§1, 2, 02-19-98; Ord. No. 98-O-42 §§15-18, 10-15-98; Ord. No. 99-O-37 §7, 08-12-99; Ord. No. 00-O-16 §6, 05-25-00; Ord. No. 00-O-63 §1, 11-16-00; Ord. No. 00-O-80, §2, 01-25-01; Ord. No. 02-O-59, §§1—4, 10-10-02; Ord. No. 03-O-53 §15, 16, 01-08-04; Ord. No. 04-O-15 §2—4, 04-22-04]

SECTION 25¹/₄-27 OFF-SITE PERMANENT SIGN REQUIREMENTS.

- (A) Except as authorized by this chapter, no off-site permanent sign may be erected on any lot of record. The requirements for permanent off-site signs are set forth below. Off-site permanent signs are permitted as follows:
- (1) Location - CH, H-I and L-I zoning districts. Lot on which sign is to be erected must be contiguous with the interstate.
 - (2) Height - 50' maximum.
 - (3) Size - 775 sq. feet maximum.
 - (4) Setback - 5' minimum from street or interstate right-of-way and 200' maximum from interstate right-of-way.
 - (5) Spacing - 1000' minimum to any other off-site permanent sign in both directions on the same side of interstate or street. 1000' minimum of an interchange or intersection at grade, measured along the interstate from the nearest point of the beginning or ending of pavement widening at the exit or entrance to the main-traveled way.
- (B) Nothing in this section shall be construed to limit or curtail noncommercial speech in favor of commercial speech. A person may erect a sign in conformity with this section that is used in whole or part for noncommercial speech.
- (C) For the purpose of this chapter, a sign shall not be considered as off-site signage in the following circumstances:
- (1) The parcel where the sign is proposed to be located ("accessory parcel") is separated only by a public right-of-way from the parcel on which the business or development that is advertised on the sign is located ("dominant parcel");
 - (2) The accessory parcel is shown on the approved subdivision plat as part of the same zone lot as the dominant parcel and is to be improved only by the sign and/or a parking lot and/or landscaping;
 - (3) That for the purposes of the sign ordinance in calculating entitlement to signage, (i) the accessory parcel is considered as a portion of the dominant parcel, (ii) the two shall be treated as one zone lot, and (iii) the business or development is not entitled to any additional number of signs or amount of signage because the accessory parcel is a part of the dominant parcel. The eligible signage will be based only on the conditions of the dominant parcel; and,
 - (4) Should the owner/occupant ever wish to treat the accessory parcel and dominant parcel as two zone lots, or to build a structure (other than a sign) on the accessory parcel, the sign must be removed from the accessory parcel; and same shall be a condition of approval of the subdivision of the accessory parcel and dominant parcel into two zone lots.

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[Ord. No. 90-36 §10, 08-16-90; Ord. No. 92-33 §10, 07-23-92; Ord. No. 97-O-76 §1, 04-30-98]

SECTION 25¹/₄-28 SIGN MAINTENANCE AND OTHER SPECIFICATIONS FOR ERECTION AND MAINTENANCE OF SIGNS.

- (A) *Premises maintenance.* All ground signs and any other type of sign and the premises surrounding same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds.
- (B) *Structure maintenance.* Notwithstanding the aforesaid, all signs, together with all their supports, braces, guys and anchors, shall be kept in good, safe repair and, unless plastic, shall be galvanized or noncorroding metal, and shall be maintained in good and safe condition including the periodic application of paint or other weatherproofing material to prevent rust or other decay. The Chief Building Official and/or representative may order the removal of any sign that is not so maintained in accordance with the provisions of this section. Such removal or expense incurred to assure compliance of this chapter shall be at the expense of the permittee or such owner of such sign or occupant or property owner where the same is situated or any one or all of them who shall be jointly and severally liable for such expense.
- (C) *Display surface or other advertising surface maintenance.* The display surface or other advertising material of a sign shall not be allowed to deteriorate to a broken, torn, peeling, flaking or otherwise decayed condition and shall be repaired or removed within ninety days of receipt of notice mailed to the owner by certified mail, return receipt requested, from the Chief Building Official ordering such repair or removal. If the owner fails to remove or alter the display surface so as to comply with the standards herein set forth within the time specified in such notice, such display advertising material may be removed or altered to comply with the Chief Building Official. An appeal may be made to overcome some exceptional condition which poses practical difficulty or particular hardship in such a way as to prevent an owner from repairing the sign within ninety days.
- (D) *Banners, flags, pennants, streamers.* Banners, flags, pennants and streamer signs shall not be allowed to deteriorate to a tattered, torn or faded condition and shall be attached properly at all times. The condition shall be repaired or removed within thirty days of receipt of notice.

[Ord. No. 90-36 §11, 08-16-90]

SECTION 25¹/₄-29 NONCONFORMING SIGNS AND OTHER PROVISIONS.

- (A) *Purpose.* For the purpose of promoting aesthetics, protecting the environment, and regulating excess signage, encouraging the positive economic development of the City, promoting the safety of the traveling public, protecting existing property values in both residential and nonresidential areas, preventing overcrowding of land, promoting

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a positive community appearance as part of a concerted citywide effort to protect and enhance the aesthetics of the City for the enjoyment of all citizens, the nonconforming signs are herein regulated.

These regulations are designed to prevent a public nuisance through the overconcentration, improper placement and excessive height, bulk, enlargement, number and area of signs. It is intended that outdoor advertising signs be located away from residential areas, and that such signs be regulated to protect the character of the area wherein signs are located and to conserve property values in these areas.

- (B) *Extension or expansion.* A nonconforming sign shall not be enlarged, expanded, extended or structurally altered so as to create an additional nonconformity or to increase the extent of the existing nonconformity when the change is declared a nuisance by this chapter. This section shall not be construed to prohibit the changing of the message panel, provided there is no increase in the face area or height or change in the face panel enclosing members. Nothing herein allows a nonconforming sign to be placed nearer to a right-of-way property line or power line than permitted by this chapter.
- (C) *Replacement or relocation.* No nonconforming sign shall be removed and replaced or reconstructed on a different lot of record unless the replacement or reconstructed sign conforms to all applicable provisions of this chapter. Any sign in violation of the National Electric Code or located in whole or part on the public right-of-way is an unlawful nonconforming sign and shall not be replaced or altered unless it conforms with all provisions of this chapter.
- (D) *Area and height.* No nonconforming sign shall be removed and replaced or reconstructed on the same lot of record unless it conforms with the height and signable area limitations set forth below. A nonconforming sign that is removed and replaced or reconstructed on the same lot of record is declared to be a public nuisance if the sign area or height exceeds the following in the zones and areas indicated:
- (1) Commercial highway or industrial zones where the sign is more than two hundred feet from residential zones:
 - (a) Interstate Highway:
 - [1] Interstate on-site:
Nuisance if: > 345 sq. ft.
> 138' in height.
 - [2] Off-site:
Nuisance if: > 891 sq. ft.
> 58' in height.
 - [3] On-site ground sign:
Nuisance if: > 345 sq. ft.
> 40' in height.
 - (b) 4-lane federal aid primary highway:
 - [1] Off-site:
Nuisance if: > 480 sq. ft.
> 58' in height.
 - [2] On-site:

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- Nuisance if: > 345 sq. ft.
 > 40' in height.
- (c) Other highways and streets:
 - Nuisance if: > 345 sq. ft.
 > 40' in height
- (2) Commercial highway or industrial zones where sign is within two hundred feet from residential zone:
 - (a) Interstate highway:
 - [1] Interstate on-site:
 - Nuisance if: > 345 sq. ft.
 > 19' in height.
 - [2] Off-site:
 - Nuisance if: > 891 sq. ft.
 > 19' in height.
 - [3] On-site ground sign:
 - Nuisance if: > 345 sq. ft.
 > 19' in height.
 - (b) 4-lane federal aid primary highway:
 - [1] Off-site:
 - Nuisance if: > 460 sq. ft.
 > 19' in height.
 - [2] On-site:
 - Nuisance if: > 345 sq. ft.
 > 19' in height.
 - (c) Other highways and streets:
 - Nuisance if: > 345 sq. ft.
 > 19' in height.
- (3) All other zones other than residential zones:
 - Nuisance if: > 115 sq. ft.
 > 19' in height unless flag which may be 35' in height.
- (4) Residential zones:
 - Nuisance if: > 69 sq. ft.
 > 19' in height unless flag which may be 35' in height.

NOTE: The symbol ">" means "greater than."

- (E) *Attached signs.* Attached signs in all zones shall be considered a nuisance if they exceed the signable area and height as provided in Code §25¼ -26 by fifteen percent (15%) or more.
- (F) *Due process hearing.* Notwithstanding the foregoing, any owner of a nonconforming sign who believes that the foregoing limitations in paragraph (D) unduly restrict the ability to replace or reconstruct a nonconforming sign and that the sign is not a nuisance shall be entitled to a public hearing before the City Council. Notice of the public hearing will be published in the newspaper at least ten days prior to the meeting of the City Council. All interested persons shall be entitled to be heard at the public

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hearing on whether or not a nuisance in fact exists from the proposed expansion or replacement of a nonconforming sign. Nothing herein limits the right of the sign owner to a hearing before the Board of Zoning Appeals as provided by law.

(G) *Abandoned nonconforming signs.* Abandonment of any sign shall terminate the right to maintain such sign and the owner thereof shall be required to remove the sign. Any nonconforming sign shall be considered abandoned in the following situations, regardless of any reservation of an intent not to abandon or of an intent to reserve the right to use the sign:

- (1) An abandoned on-site or off-site permanent sign is a sign displaying no advertising message for a period of one year or more if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise. Copy on the sign indicating the sign is for lease or sale shall not be construed as the display of an advertising message for the purpose of this chapter.
- (2) Signs which advertise a terminated activity, business, product or service which has not been produced, conducted, sold or performed on the premises where the sign is located for a period of one year or more if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise.

[Ord. No. 90-36 §12-1, 08-16-90; Ord. No. 91-46 §1, 09-12-91; Ord. No. 98-O-42 §19, 10-15-98]

SECTION 25 $\frac{1}{4}$ -30 REMOVAL OF CERTAIN SIGNS.

(A) *Permit requirements.* Demolition of any permanent sign or sign structures requires a permit and fee (see Code §25 $\frac{1}{4}$ -20) except no fee shall be required if such demolition is being made in order to remove a legal nonconforming permanent sign.

(B) *Notice to remove illegal nonconforming signs.* If the Chief Building Official shall find that any sign does not conform to the provisions of this chapter, except for legal nonconforming signs, the Chief Building Official shall give written notice to the owner(s), agent or person(s) having the beneficial interest in the building or the premises on which such permanent sign is located. Removal of the permanent sign shall be effected within ninety days after receipt of the notice from the Chief Building Official. Removal of temporary signs shall be effected within two days after posting of notice on the sign or personal contact with owner or lessee. No notice will be given for temporary signs in the ROW. If such sign is not removed after the conclusion of such period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner or lessee.

For the purpose of this subsection, the word “remove” shall mean:

- (1) The sign face, along with posts, columns or supports of ground signs, shall be taken down and removed from the property.
- (2) The sign face and supporting structures of “projecting,” “roof” or “attached” signs shall be taken down and removed from the property.

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- (3) The sign face of “painted attached signs” shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.
- (C) *Notice to remove abandoned signs.* If the Chief Building Official shall find that any such permanent sign has not been removed within one year if the permanent sign is located within two hundred feet of an interstate highway or one hundred twenty days otherwise of cessation of a particular use, the Chief Building Official shall give written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building or the premises on which such sign is located. Removal of the sign shall be effected within ten days after receipt of the notice from the Chief Building Official. If such sign is not removed after the conclusion of such ten-day period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s), or person(s) having the beneficial interest in the building or premises on which such sign is located. For the purpose of this paragraph, “removal” shall mean total removal of the sign structure if the sign is nonconforming and only removal of the sign face if the sign is otherwise conforming.
- (D) *Notice to remove unsafe signs.* If the Chief Building Official shall find that any sign is unsafe or insecure, or is a menace to the public, the Chief Building Official shall be given written notice to the owner(s), agent(s) or person(s) having the beneficial interest in the building or the premises on which such sign is located. Correction of the condition which caused the Chief Building Official to give such notice shall be effected within ten days after receipt of the notice. If such condition is not corrected after the conclusion of such ten-day period, the Chief Building Official is hereby authorized to cause the sign to be removed forthwith at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building or premises on which such sign is located. Notwithstanding the foregoing provision, the Chief Building Official is authorized to cause any sign to be removed upon giving reasonable notice under the circumstances at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building or premises on which sign is located, whenever the Chief Building Official determines an emergency exists and that such sign is an immediate peril to person or property of others.
- (E) *Appeal.* The owner of a nonconforming or abandoned sign which has been the subject of a notice of violation may appeal by filing a notice of appeal pursuant to Code §25¼-5 no later than ten days after receipt of notice. Failure to appeal in the time specified will constitute a waiver of all rights to an appeal to the Board of Zoning Appeals. Failure to request a due process hearing within ten days of the notice will constitute waiver of the right to an appeal when there is a right to a due process hearing.
- (F) *Annexation.* Nonconforming signs located in areas annexed into the City shall be subject to the same provisions as nonconforming signs in existence when this chapter was initially passed. The following signs are required to be brought into compliance with these regulations within forty-five days of the annexation: temporary signs, flashing, chasing and blinking lights. Signs of this type that exist in a nonconforming status after the time specified shall cause the sign to be removed at the expense of the owner(s), agent(s) or person(s) having the beneficial interest in the building.

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[Ord. No. 90-36 §12-2, 08-16-90]

END OF CHAPTER 25¹/₄ .